

FINDINGS OF FACT – Amended Lot 4, Block 3, Hogan Homestead Subdivision

The Planning staff has prepared the following Findings of Fact for the preliminary plat of Amended Lot 4, Block 3, Hogan Homestead Subdivision for adoption by the Billings City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the City of Billings Subdivision Regulations (Section 23-303(H), BMCC).

A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608(3)(a) and BMCC 23-303(H)(1)]

1. Effect on agriculture and agricultural water user facilities

The subject property is the former location of a movie theater, Carmike Cinema, on Overland Avenue in a developed part of Billings. There are no agricultural activities in the area or water user facilities. As such, this development should not have a negative effect on the agricultural industry.

2. Effect on local services

- a. **Utilities** – Water and sewer service will be provided by the City of Billings. Proposed lot 4A has a water and sewer main connection from Creekside Road. Proposed lot 4B has water and sewer service connections off of Overland Avenue already stubbed into the lot. The subdivision will not require any additional water and sanitary sewer services to the lots.

Power, telephone, gas and cable service currently exists to the subdivision. MDU has identified where they currently have a line to the existing building on the subject property. The existing line comes off of Overland Avenue crossing the south west corner of proposed Lot 4B and into proposed lot 4A to the existing building. The subdivider will need to provide an easement on the plat for the existing MDU line or remove it and replace it at the subdividers expense to the existing building on the lot the building is sitting on. Easements need to be shown on the face of the plat that are acceptable to these utility providers. (Condition #1)

- b. **Storm water** –This development is an existing development in Billings and the roads and storm system are in place on the streets that surround the proposed subdivision and in the existing parking lot on the site. Any modifications to the existing parking lot on site or new construction would require compliance with the provisions of the Stormwater Management Manual and Section 23-706, BMCC and will be subject to review and approval by the City Engineering Department. It must also comply with the existing approved stormwater system master plan for Hogan Homestead Subdivision.
- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.

- d. **Streets** – The lots in the subdivision will be served by Overland Avenue and Creekside Road. Both existing streets are built to city standards with curb gutter with boulevard sidewalks around the subject property.
- e. **Emergency services** – The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest fire station is located at 605 South 24th Street West. (Station #5) The Billings Chief of Police noted in comments there were no issues with this subdivision. The subdivision is located within the ambulance service area of American Medical Response (AMR).
- f. **Schools** – As a commercial/industrial subdivision, there should be little to no impact on schools.
- g. **Parks and Recreation** – Commercial and industrial subdivisions are exempt from parkland dedication requirements under MCA 76-3-621.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision.

3. Effect on the natural environment

The subject property is located in a developed urban area on flat terrain. A geotechnical study has been completed for this property and recommends specific construction methods based on the subsurface conditions. There is already one existing building on the subject property and any future building will implement the recommendations at the time of building permit review. Overall, impacts to the natural environment should be minimal.

4. Effect on wildlife and wildlife habitat

There are no known endangered or threatened species on the property. There is a note in the SIA that warns future lot owners of the presence of deer in the area, which may cause damage to their landscaping. This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the public health, safety and welfare

Based on the provision for emergency services, as discussed above, there are no anticipated effects on public health, safety and welfare resulting from this subdivision. Individual geotechnical surveys will be completed prior to building construction to ensure that foundations are built to accommodate for soils and any other concerns.

B. Was an Environmental Assessment required? [(MCA 76-3-616)]

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA.

C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy, the Urban Area Transportation Plan 2009 Update and the Billings Area Bikeways and Trail Master Plan? [BMCC 23-303(H)(3)]

1. Yellowstone County-City of Billings 2008 Growth Policy

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. Goal: More housing and business choices within each neighborhood (p. 6).
- b. Goal: New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites (p. 6).
- c. Goal: Safe, functional, and attractive streets for all users, including drivers, bicyclists and pedestrians (p. 13).

2. Urban Area Transportation Plan 2009 Update

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update and preserves the street network and street hierarchy specified in the plan.

3. 2011 Billings Area Bikeways and Trail Master Plan

The proposed subdivision lies within the jurisdiction of the Billings Area Bikeway and Trail Master Plan though no trails are identified within the subject property itself. While not identified in the plan, there is potential to provide a worker amenity by providing an eight-foot wide trail connecting from the northwest drive approach on Creekside Road, along the storm drain retention area to the southeast corner of Overland Avenue. Trees could help create a greater sense of place for employees.

The BABTMP recommends providing eight to 12 short-term (outdoor) and eight long-term (indoor) bicycle parking stalls for land-uses including the existing structure. For more information contact the Planning Office.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b) and BMCC 23-303(H)(2)(a)]

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-303(H)(2)(e)]

The subject property is located within the Highway Commercial zone. Setbacks and structure specific requirements will be reviewed for compliance at the time of building permit review.

F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]

The subdivider will provide utility easements as requested by MDU and YVEC on the face of the plat. (Condition#1)

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-303(H)(2)(c)]

Legal and physical access is provided to the proposed lots from Creekside Road and Overland Avenue.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Amended Lot 4, Block 3, Hogan Homestead Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several of the goals and policies of the 2008 Growth Policy Update and does not conflict with the Transportation or Bikeway/Trail Plans.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, March 10, 2014

Thomas W. Hanel, Mayor